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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,278	12/18/2001	Galen Seal		5530

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EXAMINER

THOMAS, ALEXANDER S

ART UNIT PAPER NUMBER

1772

DATE MAILED: 04/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/025,278	SEAL, GALEN	
	Examiner	Art Unit	
	Alexander Thomas	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8 and 10-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8 and 10-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/10/03 has been entered.

Specification

2. The disclosure is objected to because of the following informalities: the spelling of "polypropylene" should be corrected on page 3, line 15 and page 7, line 15.

Appropriate correction is required.

Claim Objections

3. Claim 8 is objected to because of the following informalities: the spelling of "polypropelene" should be -- polypropylene -- . Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This claim is directed to the face layer comprising polyester fiber, however, claim 8, upon which claim 14 depends, defines the face layer as made

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of polypropylene. A dependent claim cannot redefine an independent claim, it must further define the scope of the invention. Therefore, it is not clear whether the face layer is polypropylene or polyester.

5. Claims 8 and 10-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claim 8, the phrases "comprised of a sticky material" and "non-absorbent" are new matter. In claim 17 the phrase "conceals the existence ... liquids" is new matter. These phrases are not supported by the original disclosure.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8, 10-12, 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haney et al in view of Biewen. The reference discloses the invention substantially as claimed, namely a disposable floor mat comprising a face layer of non-woven material, such as polypropylene, attached to a bottom layer of foam; see column 1, line 6, column 2, lines 18-20 and column 3, lines 15-19 and 38-44. However, it does

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not disclose the use of an antimicrobial agent on the mat, the claimed shape of the mat or the use of a polyester face layer. The secondary reference discloses the use of an antimicrobial agent on floor mats and also discloses the claimed shape of the floor mat; see Figures 1-2 and the left column, lines 40-46. It would have been obvious to one of ordinary skill in the art to use an antimicrobial agent on the mat of the primary reference in view of the teachings of the secondary reference at the left column, lines 10-14, to render the mat sanitary and prevent odors. It would also have been obvious to one of ordinary skill in the art to vary the shape of the mat taught by the primary reference and include a notch on one side in view of the secondary reference wherein it is taught a similar absorbent mat shape with a notch around a toilet. Concerning claim 14, Haney et al discloses using any absorbent material, such as non-woven polypropylene, as the face layer. It would have been obvious to one of ordinary skill in the art to use any well known non-woven absorbent material, such as a polyester, as the absorbent material in the article of Haney et al depending on the desired physical properties for a particular end use.

Response to Arguments

8. In view of the cancellation of claim 9, the previous rejections under 35 USC 112 have been overcome. Applicant's arguments with respect to the rejection under 35 USC 102 have been considered but are moot in view of the new ground(s) of rejection. Concerning the discussion of Haney et al, Haney et al clearly disclose a disposable floor mat for restroom floors wherein the face layer is non-woven absorbent polypropylene;

see the above rejection. The instant claims do not preclude the presence of a third layer in the floor mat.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Thomas whose telephone number is 571-272-1502. The examiner can normally be reached on 6:30-4:00 M-THUR.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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ALEXANDER S. THOMAS
PRIMARY EXAMINER